

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.04 J3, Closed Area No. 39-F, Benjamin River, Sedgwick, promulgated November 7, 1991, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.04 J3, Closed Area No. 39-F, Benjamin River, Sedgwick.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Benjamin River (Town of Sedgwick) lying northerly of a line that begins at the most western point on Cape Carter and runs north-northwesterly to the nearest point of land (Carter Point) on the western shore of the Benjamin river.

A. EXCEPTION: Between October 1 and April 30 each year the area of Benjamin River estuary between the Route 175 bridge in the Village of Sedgwick and the waters of Eggemoggin Reach will be opened to the harvesting of shellfish.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: November 8, 1993

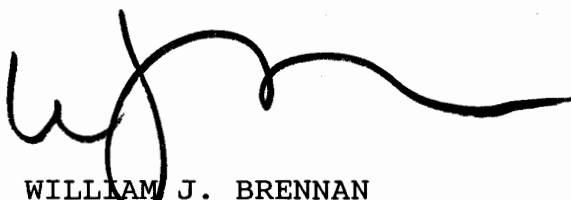
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BANGOR DAILY NEWS  
November 11, 1993

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.04 J3, Closed Area No. 39-F, Benjamin River, Sedgwick, promulgated November 7, 1991, and replaces it with a new regulation. This new regulation opens the area between the Route 175 bridge in the Village of Sedgwick and the waters of Eggemoggin Reach between October 1 and April 30.

Department personnel have determined that the Benjamin River estuary below the Route 175 bridge is affected only by potential pollution sources associated with the mooring of boats in the harbor. This threat is present only during the summer months. Consequently, this area is closed to protect the public health from May 1 to September 30. The area upstream of the Route 175 bridge will remain closed year around.



WILLIAM J. BRENNAN  
Commissioner



# Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

For: Sedgwick

**C39F - Benjamin River, Sedgwick 11/8/93**

